

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5122 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

PATEL ARCHANA RIKESHKUMAR D/O. VINUBHAI ZAVERBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 5122 of 2005
MR MURALI N DEVNANI for Petitioner No. 1
MR MA Shaikh, Addl. Central Govt. Standing Counsel
for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 01/04/2005

ORAL JUDGEMENT

Rule. Mr. Shaikh, learned Addl. Central Government Standing Counsel waives service of Rule. At the request of learned counsel for the parties the

petition is finally heard today.

2. In this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction or order directing the respondent Passport authority to correct the date of birth of the petitioner in the passport on the basis of certificate of birth issued by the competent authority under the provisions of the Registration of Birth and Death Act, 1969. {"the Act" for short}.

3. It is the contention on behalf of the petitioner that the correct birth date of the petitioner is 31st October 1974 and by mistake and/or through inadvertence her date of birth is wrongly mentioned in the Passport as 31st August 1974 and the respondent authority has refused to entertain her request to correct the said mistake.

4. Shri Shaikh, learned counsel for the respondent states that only on the basis of material given by the petitioner the date of birth was recorded in the passport. He further stated that no change in the passport is effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details if the authority is satisfied with the genuineness of the data to be corrected.

5. Having heard the parties and looking to the facts and circumstances and also the material placed on record, the respondent is directed to look into the case of the petitioner on the basis of the evidence already adduced or which may be adduced by the petitioner in support of her case and on production of the original certificate issued by the competent authority under the provisions of the Registration of Birth and Deaths Act, 1969 to correct the date of birth as mentioned above. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order as expeditiously as possible.

6. As the respondent authority will have to undertake the exercise of scrutinizing the case of the petitioner afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs. 5,000/= is ordered to be paid by the petitioner to the respondent authority by way of costs.

7. Accordingly the petition is allowed to the aforesaid extent. Rule is made absolute. D.S. is permitted.

rmr. [M.R. Shah, J.]